

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1010 be amended to read as follows:

- 1 Page 10, between lines 27 and 28, begin a new paragraph and insert:
2 "SECTION 10. IC 32-24-4-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Except as**
4 **provided in section 1.5 of this chapter**, a person, firm, partnership,
5 limited liability company, or corporation authorized to do business in
6 Indiana and authorized to:
7 (1) furnish, supply, transmit, transport or distribute electrical
8 energy, gas, oil, petroleum, water, heat, steam, hydraulic power,
9 or communications by telegraph or telephone to the public or to
10 any town or city; or
11 (2) construct, maintain or operate turnpikes, toll bridges, canals,
12 public landings, wharves, ferries, dams, aqueducts, street railways,
13 or interurban railways for the use of the public or for the use of
14 any town or city;
15 may take, acquire, condemn, and appropriate land, real estate, or any
16 interest in the land or real estate.
17 (b) A person described in subsection (a) has all accommodations,
18 rights, and privileges necessary to accomplish the use for which the
19 property is taken. A person acting under subsection (a) may use
20 acquired, condemned, or appropriated land to construct railroad siding,
21 switch, or industrial tracks connecting its plant or facilities with the
22 tracks of any common carrier.
23 SECTION 11. IC 32-24-4-1.5 IS ADDED TO THE INDIANA
24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. A private utility that:**

- 1 **(1) holds a certificate of territorial authority to provide sewage**
2 **disposal service; and**
3 **(2) provides or will provide sewage disposal service to less**
4 **than five hundred (500) customers;**
5 **may not exercise the power of eminent domain to take, acquire,**
6 **condemn, or appropriate land, real estate, or any interest in the**
7 **land or real estate, including an easement or a right-of-way.".**
8 Renumber all SECTIONS consecutively.
 (Reference is to HB 1010 as printed January 11, 2006.)

Representative Robertson